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ACTUATE CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ACTUATE CORPORATION, a Delaware  
corporation,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A., a Delaware  
corporation, as Acquirer of Certain Assets and  
Liabilities of WASHINGTON MUTUAL  
BANK, a Washington corporation,

Defendant.

CASE NO.: CV 08-2918 SI

**STIPULATION AND [PROPOSED]  
ORDER REGARDING DISCOVERY  
CUT-OFF DATES**

Complaint Filed: June 11, 2008  
Trial Date: December 7, 2009

# STIPULATION

Pursuant to Civil Local Rules 6-2(a) and 7-12, Plaintiff Actuate Corporation ("Actuate") and Defendant JPMorgan Chase Bank, N.A., as acquirer of certain assets and liabilities of Washington Mutual Bank ("Washington Mutual"), hereby stipulate to an extension of discovery cut-off dates, as follows:

(1) New counsel recently substituted in for Actuate, and the parties have agreed to extend discovery deadlines in order to allow new counsel time to come up to speed;

(2) As a result, the parties have agreed to extend the following discovery cut-off dates:

Event	Current Cut-Off Date	New Cut-Off Date
Close of Fact Discovery	July 20, 2009	August 10, 2009
Expert Designation	August 3, 2009	August 26, 2009
Rebuttal Expert Designation	August 24, 2009	September 9, 2009
Close of Expert Discovery	September 18, 2009	September 25, 2009

(3) The currently set dates for dispositive motions and the trial date (December 7, 2009) shall remain the same. The June 24, 2009 case management conference likewise remains on schedule.

(4) The parties respectfully request that the Court enter an Order reflecting this stipulation.

Dated: June 9, 2009

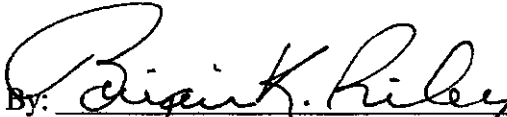
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1 Dated: June 9, 2009

HOWREY LLP


2  
3 By:   
4 Benjamin K. Riley  
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5 Attorneys for Defendant  
6 JPMorgan Chase Bank, N.A., as Acquirer of  
7 Certain Assets and Liabilities of Washington  
8 Mutual Bank

9 **[PROPOSED] ORDER**

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11 Dated: \_\_\_\_\_

12   
13 The Honorable Susan Illston  
14 United States District Judge